

ESTTA Tracking number: **ESTTA603770**

Filing date: **05/12/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Los Angeles Dodgers LLC
Granted to Date of previous extension	05/11/2014
Address	Dodger Stadium 1000 Elysian Park Avenue Los Angeles, CA 90012 UNITED STATES

Attorney information	Don M. Obert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES mlk@cll.com, dmo@cll.com, trademark@cll.com, jmn@cll.com, dmo@cll.com Phone:212-790-9200
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Applicant Information

Application No	85963523	Publication date	11/12/2013
Opposition Filing Date	05/12/2014	Opposition Period Ends	05/11/2014
Applicant	BROOKLYN CRESCENTS ATHLETICS, INC. 182 South Oxford Street Brooklyn, NY 11217 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2006/03/06 First Use In Commerce: 2006/03/06 All goods and services in the class are opposed, namely: Amateur youth sports services, namely, organizing and providing youth lacrosse activities; Entertainment in the nature of lacrosse games; Organizing sporting events, namely, lacrosse competition; lacrosse camps and clinics; lacrosse instruction

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	BROOKLYN CRESCENTS LACROSSE; Ser. No. 85963523 COMM LET 05122014.pdf(72711 bytes) BROOKLYN CRESCENTS LACROSSE; Ser. No. 85963523 NOO 05122014.pdf(170288 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Don M. Obert/
Name	Don M. Obert
Date	05/12/2014



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May 12, 2014

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Los Angeles Dodgers LLC
Notice of Opposition Against
Brooklyn Crescents Athletics, Inc.
Application to Register BROOKLYN CRESCENTS LACROSSE
Ref. No. 21307.016

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/963,523 published in the Official Gazette on November 12, 2013. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300.00 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Don M. Obert/
Don M. Obert

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/963,523

Filed: June 18, 2013

For Marks: BROOKLYN CRESCENTS LACROSSE (Stylized)

Published in the Official Gazette: November 12, 2013

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LOS ANGELES DODGERS LLC,
Opposer,

Opposition No.

v.

BROOKLYN CRESCENTS ATHLETICS, INC.,
Applicant.

NOTICE OF OPPOSITION

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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Los Angeles Dodgers LLC (“Opposer”), a Delaware limited liability company with offices at Dodger Stadium, 1000 Elysian Park Avenue, Los Angeles, California 90012, believes that it will be damaged by registration of the stylized BROOKLYN CRESCENTS LACROSSE mark shown below:



(“Applicant’s Mark”) in International Class 41 for “Amateur youth sports services, namely, organizing and providing youth lacrosse activities; Entertainment in the nature of lacrosse games; Organizing sporting events, namely, lacrosse competition; lacrosse camps and clinics;

lacrosse instruction,” as shown in Application Serial No. 85/963,523 (the “Application”), and having been granted extensions of time to oppose up to and including May 11, 2014, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES DODGERS MAJOR LEAGUE BASEBALL club. Opposer was previously and famously known as the BROOKLYN DODGERS, a mark still in use by Opposer in connection with a variety of goods and services.

2. Since long prior to March 6, 2006, Applicant’s claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the name or mark BROOKLYN, including, without limitation, in the following distinctive

stylizations and variations thereof:



Brooklyn

and

*Brooklyn
Dodgers*

, alone or with other word, letter and/or design elements (collectively, “Opposer’s BROOKLYN Marks”), in connection with baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel; **[printed matter and paper goods; and novelty items.]**

3. Opposer owns U.S. federal registrations for Opposer’s BROOKLYN Marks in International Classes 21 and 25, namely, Registration Nos. 1,562,301, 1,571,978, 1,859,757,

3,633,244, 3,797,654 and 3,884,438. Registration Nos. 1,562,301, 1,571,978 and 1,859,757 are incontestable.

4. Since long prior to March 6, 2006, Applicant's claimed first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's BROOKLYN Marks, including, but not limited to, baseball games and exhibition services and a variety of goods and services, including, but not limited to, apparel; **[printed matter and paper goods; an novelty items,]** and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's BROOKLYN Marks, Opposer has built up highly valuable goodwill in Opposer's BROOKLYN Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On June 18, 2013, Applicant filed the Application for Applicant's Mark, for "Amateur youth sports services, namely, organizing and providing youth lacrosse activities; Entertainment in the nature of lacrosse games; Organizing sporting events, namely, lacrosse competition; lacrosse camps and clinics; lacrosse instruction," in International Class 41, claiming a first use date of March 6, 2006.

7. Upon information and belief, Applicant did not use Applicant's Mark for the services covered by the Application in United States commerce prior to its claimed first use date of March 6, 2006.

8. The services covered by the Application are closely related to the goods offered and services rendered in connection with Opposer's BROOKLYN Marks.

9. Applicant's Mark is depicted in a stylization that is highly similar to the stylization and lettering featured in certain of Opposer's BROOKLYN Marks.

10. Applicant's Mark so resembles Opposer's BROOKLYN Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Don M. Obert (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
May 12, 2014

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Don M. Obert/

Mary L. Kevlin
Richard S. Mandel
Don M. Obert

1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on May 12, 2014, I caused a true and correct copy of the foregoing Consolidated Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent and Attorney of Record, Charles Austin, Esq., The Austin Law Firm, P.C., 204 Taylor St. Fl. 2, Orange, NJ 07050-3412.

/Don M. Obert/

Don M. Obert